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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/816,372 | 04/01/2004 | Christoph Becke | ZTP01P14044 | 9665 |
| 7590 | 07/12/2004 | | EXAMINER | |
| LERNER AND GREENBERG, P.A. POST OFFICE BOX 2480 HOLLYWOOD, FL 33022-2480 | | | WILKENS, JANET MARIE | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3637 | | |

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/816,372 | BECKE ET AL. |
| | Examiner | Art Unit |
| | Janet M. Wilkens | 3637 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 and 9-12 is/are rejected.
- 7) Claim(s) 8 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/1/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claim 11 is objected to because of the following informalities: claim 11 does not end in a period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Belokin et al (6,571,967). Belokin teaches an insert (10) comprising: a frame forming chambers (17), having a first side (21) with an attachment device (15), having a second side (16) with indentations/webs formed therein, an open bottom (see portion/space adjacent 11 in Fig. 2) and a third side (left and right sides shown in Fig. 1). On the

indentations/second sides are flexible portions (18). Please note that limitations found in intended use/"for" statements have been given no weight in the claims.

Claims 1, 2, 4-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Belokin et al (5,913,433). Belokin teaches an insert (Fig. 1) comprising: a frame forming chambers (20), having a first side (33,34) with an attachment device (50), having a second side with indentations/webs formed therein (31-33), an open bottom (see portion/space adjacent 14 in Fig. 2), and a third side (left and right sides shown in Fig. 1). Please note that limitations found in intended use/"for" statements have been given no weight in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belokin et al (5,913,433). As stated above, Belokin teaches the limitations found in claims 1, 5, and 6, including an insert comprising a frame with a web. For claim 9, Belokin fails to teach that the web wall has a greater thickness than the rest of the frame. It would have been an obvious consideration to one of ordinary skill in the art at the time of the invention to modify the webs of Belokin by making them a greater thickness, to increase the distance between articles located within the compartments

thereby further preventing their contact with each other. For claim 11, Belokin fails to teach that the chambers are different sizes. It would have been an obvious consideration to one of ordinary skill in the art at the time of the invention to modify the chamber sizes of Belokin by making them varied, so that differently sized articles can be stored therein in a manner complimentary to their size.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belokin et al (6,571,967). As stated above, Belokin teaches the limitations found in claims 1, 5, and 6, including an insert comprising a frame with a web. For claim 9, Belokin fails to teach that the web wall has a greater thickness than the rest of the frame. It would have been an obvious consideration to one of ordinary skill in the art at the time of the invention to modify the webs of Belokin by making them a greater thickness, to increase the distance between articles located within the compartments thereby further preventing their contact with each other. For claim 11, Belokin fails to teach that the chambers are different sizes. It would have been an obvious consideration to one of ordinary skill in the art at the time of the invention to modify the chamber sizes of Belokin by making them varied, so that differently sized articles can be stored therein in a manner complimentary to their size.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Belokin et al (5,913,433). Bennett teaches a door storage compartment (Fig. 1) with a door storage body (18). For claim 12, Bennett fails to teach an insert located in the storage body. Belokin teaches an insert to be attached to a vertical surface (see Figs. 1 and 2). It would have been obviously to one of ordinary skill in the art at the time

of the invention to add the insert of Belokin in the storage body of Bennett, i.e. attaching the insert to the inner wall of the body, to provide a specialized article holder in the body, one that supports cylindrical items in a secure manner.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Belokin et al (6,571,967). Bennett teaches a door storage compartment (Fig. 1) with a door storage body (18). For claim 12, Bennett fails to teach an insert located in the storage body. Belokin teaches an insert to be attached to a vertical surface (see Fig. 3). It would have been obviously to one of ordinary skill in the art at the time of the invention to add the insert of Belokin in the storage body of Bennett, i.e. attaching the insert to the inner wall of the body, to provide a specialized article holder in the body, one that supports cylindrical items in a secure manner.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
July 1, 2004

J.M.W.
JANET M. WILKENS
PRIMARY EXAMINER
Art Unit 3637